

REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY, CALIFORNIA
AND RECORD OF ACTION

31

June 22, 2004

FROM: THOMAS L. SUTTON, Interim Director
Special Districts Department

SUBJECT: CONTRACTS TO PREPARE AND MAINTAIN MANDATORY REGULATORY COMPLIANCE FOR ALL BOARD-GOVERNED SPECIAL DISTRICTS, COUNTY SERVICE AREAS, AND THEIR IMPROVEMENT ZONES THAT PROVIDE WATER AND SEWER SERVICE

RECOMMENDATION: Acting as the governing body for all Board-governed Special Districts, County Service Areas and Improvement Zones with water and/or sewer powers, approve contracts with the following consultants to prepare and maintain regulatory compliance documents for various regulatory mandated agencies in connection with the water and sewer districts, for the 36 month period June 1, 2004 through May 31, 2007:

	Not to exceed amount for:			
	<u>FY03/04</u>	<u>FY04/05</u>	<u>FY05/06</u>	<u>FY06/07</u>
Agreement No. 04- Tracer Environmental Sciences	\$25,000	\$125,000	\$100,000	\$50,000
Agreement No. 04- Resource Management Services	\$25,000	\$125,000	\$100,000	\$50,000

BACKGROUND INFORMATION: The California Accidental Release Prevention Program (CalARP) is a result of the merging of the federal and state programs for the prevention of accidental release of regulated toxic and flammable substances. Any business that has more than a threshold quantity of a regulated substance in a process is covered. Pursuant to Health And Safety Code, Sections 244341 – 25543.3, the State of California Office of Emergency Services (OES) was required to adopt implementing regulations, and to seek and maintain delegation of the federal program. The goal is to eliminate the need for two separate and distinct chemical risk management programs. The OES developed emergency regulations with the assistance of a work group representing the environment, industry, and government.

The regulations incorporated elements of the Federal Accidental Release Prevention Program (under the Clean Air Act and Title 40 of the Code of Federal Regulations Part 68) (aka Risk Management Program) into state regulations (California Health & Safety Code Sections 25531 through 25543.3). The final regulations and rule-making file were approved on November 16, 1998, and revised on October 10, 2002. At a minimum, the Hazard Operability Study (HazOp) and off-site consequence analysis must be reviewed and updated as necessary every five years, reviewed annually, reviewed and updated prior to handling another regulated substance, within 30 days of any change, or within 30 days of a change that alters the Program Level that applies to a covered process.

Record of Action of the Board of Supervisors

31

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JUNE 22, 2004

PAGE 2

31

The Special Districts Department, on behalf of County Service Areas 42 (Oro Grande), 53B (Fawnskin), 64 (Spring Valley Lake), 79 (Green Valley), 82 (Trona), 70, Improvement Zones B&C (Silver Lakes), F (Morongo Valley), J (Oak Hills), L (Pinon Hills), S3 (Lytle Creek), SP2 (High Country), W-1 (Landers), W-3 (Morongo Valley), W-4 (Pioneertown), and the Crestline Sanitation District, require scheduled and emergency on-call services to prepare regulatory compliance documents. Compliance documents are prepared for CalARP, Certified Unified Program Agency (CUPA), Occupational Safety & Health Act (OSHA), Risk Management Plan (RMP), and Process Safety Management (PSM). Scheduled services consist of reviewing, updating, and modifying documents on a regular basis. Emergency on-call services will provide a contracted consultant if CUPA or other agencies require inspections or audits.

The Special Districts Department, Water and Sanitation Division, in the Victorville office, directs the operational functions of 9 water districts and 9 sanitation districts. The Division maintains 49 water wells, 62 reservoirs with a combined capacity of 15,051,000 gallons, 538 miles of water lines and appropriate booster stations. Also maintained are 2 sewage treatment plants with a combined treatment capacity of 1.360 MGD (million gallons per day), 2 septic treatment systems, 5 collection systems, 15 sewage lift stations, and 152.95 miles of sewage collection service lines. Crestline Sanitation District operates and maintains 3 Wastewater Treatment Plants with a combined treatment capacity of 1.4 MGD. The collection system includes 3 lift stations and 90 miles of sewage collection system.

On February 24, 2004, the Board of Supervisors approved the issuance of a Request For Proposal (RFP) with an aggregate value of \$600,000 (over a 3 year period) to solicit proposals from qualified consultants (Board Agenda Item #38). On March 19, 2004, two proposals were received. On March 29, 2004 Water and Sanitation staff evaluated the proposals and determined that best coverage could be achieved if both respondents were selected. Both have performed similar services for the County under previous competitively bid contracts, and their services have been acceptable. Both rate fee schedules for these contracts are deemed reasonable, when compared to their rate fee schedules on the previous contracts.

This action will approve the awarding of two contracts for a 36-month period, in an amount not to exceed \$300,000 for each contract (with specified spending limits per fiscal year), for the provision of consultant regulatory compliance services.

REVIEW AND APPROVAL BY OTHERS: This item was reviewed by County Counsel (Daniel B. Haueter, Chief Deputy County Counsel, 387-5436) on June 14, 2004, 2004, and by the County Administrative Office (Wayne Thies, Administrative Analyst) on June 14, 2004.

FINANCIAL IMPACT: Costs of the two contracts will not exceed aggregate amounts of \$300,000 for each one (\$600,000 in total), over a 36-month period beginning June 1, 2004. Funds are budgeted within the individual district operating accounts, and all costs will be billed per the approved fee schedule with District staff approval.

COST REDUCTION REVIEW: The County Administrative Office has reviewed this agenda item and concurs with the department's request and recommends this action based on the need for this service and the general health; welfare and safety of the citizens residing in the Districts served by San Bernardino County. The expenditures for this service will be funded from the individual District operating account budgets and will have no impact on the County's General Fund.

31

SUPERVISORIAL DISTRICT(S): First, Second, and Third

PRESENTER: Thomas L. Sutton, 387-9625